

# **EXHIBIT E**

1 letter?

2 MR TOMLINSON: My Lord, we'll certainly do it before the  
3 short adjournment.

4 JUDGE LENON: In that case there shouldn't be a problem.  
5 We'll have our short break now.

6 (11.47 am)

7 (A short break)

8 (11.55 am)

9 MR TOMLINSON: My Lord, I'll call Mr del Rosso.

10 MR NICHOLAS PAUL DEL ROSSO (affirmed)

11 Examination-in-chief by MR TOMLINSON

12 MR TOMLINSON: Could you give the court your full name and  
13 professional address, please?

14 A. Yes, sir. Nicholas Paul del Rosso, 1340 Environ Way,  
15 Chapel Hill, North Carolina, USA.

16 Q. Could you take out the file that's in front of you and  
17 turn to tab 5, please, {D/5/1}?

18 You should have there a document that begins,  
19 "Witness statement of Nicholas del Rosso".

20 A. Yes, sir.

21 Q. If you turn to page {D/5/6}, is that your signature?

22 A. It is, yes.

23 Q. And is there anything in that statement, Mr del Rosso,  
24 that you'd like to correct or clarify?

25 A. Yes, there are two matters, my Lord, that I'd like to

1 change. One is the date when I first received the call  
2 from Mr Gerrard, and that is on -- I'd like to change  
3 that to Monday, 8 August.

4 JUDGE LENON: So which paragraph is that? Paragraph 5, is  
5 it?

6 A. Paragraph 5, yes, {D/5/2}. And then it goes on --

7 MR TOMLINSON: Are we talking about the date in paragraph 7?

8 A. Paragraph 5 through 7, yes, that was 8 August.

9 Q. And you wanted to change that from what to what,  
10 Mr del Rosso?

11 A. It appears to read as though it's the 9th that  
12 I received the call. It was in fact the 8th, my Lord.

13 Q. Was there something else?

14 A. Yes, I'm just searching for the paragraph.

15 It was the date -- and I can't see it in here -- the  
16 date that I first delivered a secure drive. Oh, yes, in  
17 paragraph 14, {D/5/4}.

18 "I was flying to London that day ..."

19 It should read "I was flying to New York".

20 Q. And with those exceptions, Mr del Rosso, are the  
21 contents of that witness statement true?

22 A. Yes, my Lord.

23 Q. And that's your evidence in this --

24 A. It is, sir, yes.

25 MR TOMLINSON: If you could wait there, there will be some

1                   questions.

2                   Cross-examination by MR LORD

3                   MR LORD: Mr del Rosso, please could you go to paragraph 4  
4                   of your witness statement at {D/5/2}, where you say:

5                   "In August 2014, VMS was engaged by Dechert LLP to  
6                   investigate assets potentially stolen from the  
7                   Government of Ras Al Khaimah ..."

8                   Can you see that?

9                   A. I do, sir, yes.

10                  Q. And then two lines on you say:

11                  "I took my instructions from Dechert LLP and had  
12                  limited direct contact with Jamie Buchanan and other  
13                  representatives of the RAK Government. I had worked  
14                  previously with other lawyers then at Dechert LLP on  
15                  unrelated matters involving suspected fraud."

16                  Can you see that?

17                  A. I do, yes.

18                  Q. So how far back did your relationship with Dechert LLP  
19                  go, Mr del Rosso?

20                  A. To the best of my recollection, it was around  
21                  August 2014.

22                  Q. But you'd worked for Dechert, hadn't you, on -- sorry,  
23                  maybe I --

24                  A. No, you -- then at Dechert. I had previously worked  
25                  with other lawyers, then at Dechert, so they had been

1                   elsewhere prior to that.

2   Q. I see. Who would those lawyers be?

3   A. Oh, Mr Abousleiman --

4   Q. Sorry, I can't hear.

5   A. Abousleiman and some of his partners or junior partners.

6                   I truly don't remember right now.

7   Q. And when did you first start working for Dechert or  
8                   taking instructions from Dechert?

9   A. August 2014.

10   Q. But when did you first work for the gentleman you've  
11                   just referred to, Mr Abousleiman?

12   A. Mr Abousleiman, again I don't recall. I haven't gone  
13                   back in the files to look at that particular matter.

14   Q. Roughly -- roughly when?

15   A. No, that's just speculation, sir. I can't guess.

16   Q. You must have some idea whether it was a year before or  
17                   20 years before?

18   A. I don't, so no. My Lord, I don't recall exactly when.

19   Q. I wasn't asking you exactly when, Mr del Rosso. I was  
20                   asking when you first started taking instructions from  
21                   Mr Abousleiman. I'm not asking about what they were,  
22                   just when it was.

23   A. I can't answer that, my Lord, because I just don't know.

24   JUDGE LENON: You must have some idea. Was it a year, was  
25                   it ten years or ...?

1       A. Somewhere between a year and four years maybe. I just  
2            can't pinpoint it.

3       MR LORD: And what Mr Gerrard? Had you taken instructions  
4            from Mr Gerrard before August 2014?

5       A. I had not, my Lord, no.

6       Q. And who did you deal with in relation to this particular  
7            instruction that you describe in paragraph 4 from  
8            Dechert? Was it Mr Gerrard you dealt with?

9       A. Principally, but there were other lawyers involved in  
10            that matter.

11       Q. And who were the other lawyers involved?

12       A. Mr Hughes.

13       Q. Anybody else?

14       A. Those that I can recall -- and there were many -- were  
15            Mr Fotherby, William Fotherby --

16       Q. Yes.

17       A. -- Matt, Matt Banham.

18       Q. And roughly how often would you liaise with Dechert  
19            during the course of this engagement of you by them over  
20            time?

21       A. What do you mean by "liaise"?

22       Q. Well, speak to them on the telephone, give them an  
23            update -- roughly. I mean how --

24       A. On a regular basis. I'm not going to speculate again on  
25            how many times that was a week or a month, but it was on

1 a very regular basis.

2 Q. Right. In paragraph 5 {D/5/2} you refer to Stuart Page.

3 Can you see that?

4 A. I do, yes.

5 Q. You say in that paragraph -- this is the call you've now  
6 said was 8 August 2016 with Mr Gerrard. You said:

7 "During that call, Neil told me that Stuart Page had  
8 identified two links on the internet ..."

9 Can you see that?

10 A. I do, yes, sir.

11 Q. And the last sentence reads:

12 "I do not know Stuart Page but I had heard of him  
13 because he works in a similar industry to me."

14 What is VMS' line of work, Mr del Rosso?

15 A. I provide fraud consulting work, my Lord.

16 Q. And what does that involve in practice?

17 A. Looking at documents generally to identify fraud.

18 Q. Does it involve trying to track down assets or trace  
19 them?

20 A. That isn't generally where I would specialise, my Lord,  
21 no.

22 Q. And does it involve any sort of surveillance?

23 A. It doesn't, my Lord, no.

24 Q. And does it involve any kind of investigative work?

25 A. I manage some investigations, sir, yes.

1 Q. And what sort of investigative work do you manage?

2 A. Fraud investigations, sir.

3 Q. And what does that include, Mr -- you know what I'm  
4 asking you, Mr del Rosso. I'm asking you to tell  
5 his Lordship in practical terms not what the label is;  
6 what does that mean. You're investigating a fraud.

7 What sort of investigations do you do?

8 A. Well, I read through documents and identify fraud, and  
9 then whoever is instructing me, I would let them know  
10 that I've identified something that I consider to be  
11 fraudulent --

12 Q. So you're a sort of document --

13 A. -- or not as the case may be.

14 Q. So simply document review; is that right?

15 A. Well, analysis I would say probably more -- is a more  
16 accurate description, yes.

17 Q. And how do you analyse? What sort of tools do you use  
18 for that analysis?

19 A. Well, I use my knowledge. That's it, sir.

20 Q. So somebody gives you a pile of documents and you just  
21 sift through them to see if you can find some fraud; is  
22 that your evidence, Mr del Rosso?

23 A. I think in a nutshell, yes, sir. There are many  
24 different types of cases, yes, but essentially it is  
25 research and analysis and identifying patterns and

looking for elements of fraud if they exist.

Q. You're president and owner of Vital Management Services, aren't you?

A. Yes, my Lord, yes.

Q. What's your relevant background? What's your professional background, Mr del Rosso?

A. I've been involved in this type of work for 30 years, sir. Previously I was a police officer in the Met Police.

Q. When were you in the Metropolitan Police, Mr del Rosso?

A. 1978/1979 to 1989.

Q. And did you come across Mr Gerrard at that time?

A. I didn't, sir, no. I'd never met him before August 2014 or that period, yes.

Q. And what rank did you attain when you were in the police force?

A. Well, I rose through the ranks, sir, to detective constable.

Q. And how old were you when you left the police force?

A. I would have been 33 years old.

Q. And have you done fraud investigative work for that entire period since you left the police force or have you done something else as well?

A. Almost entirely, sir, yes.

Q. So what else have you done?

1       A. I've done property development and some other matters  
2                   such as that, yes. That is what -- property  
3                   development.

4       Q. And at what point did you move to the USA?

5       A. 1995 or 1996.

6       Q. Was that a professional reason that you moved to the  
7                   USA?

8       A. My Lord, I acquired a company in the US, yes.

9       Q. What company did you enquire [sic]?

10      A. "Acquire".

11      Q. "Acquire", yes.

12      A. It was an investigative company that specialised in  
13                   intellectual property investigations.

14      Q. And when did you set up Vital Management Services?

15      A. I think it was around 2000, sir.

16      Q. And you are the owner of that business?

17      A. I am, yes, sir.

18      Q. Does it employ anybody else?

19      A. Not now, no. My wife is a shareholder. Other than  
20                   that, it's just me.

21      Q. And do you use any agents or sub-agents or consultants?

22      A. I do, yes, my Lord.

23      Q. Give his Lordship an example of the sorts of agents or  
24                   sub-agents or consultants that you use or would use on  
25                   a case like this.

A. Well, in this particular matter I used Chris Swecker, who is a lawyer and represents Vital Management Services, and an analytical firm called NTi, Northern Technologies.

Q. And what other agents or sub-agents or consultants has your firm, VMS, used?

A. In relation to this matter?

Q. Well, in terms of fraud investigation. What sort --  
what --

A. Well, there are other investigators, sir. Generally or -- on occasions I've been asked to provide, for some of the principals in this case, some security. I don't do that myself and I subcontract that out.

Q. And do you instruct investigators to gather up information for you as part of your fraud enquiries?

A. That can form part of that, sir, yes. It can form part of their instruction, yes.

Q. And what investigators have you used, let's say, in the last six -- let's say the last six years -- let's say -- seven years?

A. Is that relevant to this? I've just told you the people I used on this particular matter, so that's Chris Swecker --

Q. You have given an answer that all you do is review documents and I'm asking you to identify other agents to

1           see whether, in fact, you do rather more than just  
2           review documents, Mr del Rosso.

3           A. In relation to this matter, my Lord, I have only used  
4           Chris Swecker and Northern Technologies.

5           Q. And what other analysis did you perform in this case  
6           since 2014? What did you do?

7           A. Well, 2014 was when I was engaged by Dechert on matters  
8           unrelated to Mr Azima.

9           Q. And what were you -- I don't want to know about the  
10           matters in detail, but what were you engaged in relation  
11           to?

12           A. I was engaged in relation to fraud and the proceeds of  
13           fraud and trying to identify where some of those  
14           proceeds may have been.

15           Q. And who was the alleged fraudster or fraudsters?

16           A. Well certainly Massaad was one of them. There are some  
17           other names in there, including some Indians, and  
18           I believe two or three Georgian participants, yes.

19           Q. And did you instruct any investigative or enquiry agents  
20           in relation to this engagement -- anybody to find  
21           information on your behalf?

22           A. I'm sure that I did, sir, but this is unrelated to  
23           Mr Azima. These are matters that are unrelated to  
24           Mr Azima.

25           Q. Who were they?

1 A. These are matters that are unrelated to Mr Azima, sir.

2 Q. So you won't answer the question? I'm simply asking who  
3 they are.

4 A. I am not trying to be obstructive at all, sir, but these  
5 aren't necessarily individuals or people who were  
6 involved in matters with Mr Azima.

7 Q. Without knowing what they were involved in, we can't  
8 necessarily take your word that there may not be some  
9 relevance to Mr Azima. But you know, Mr del Rosso,  
10 don't you, that there are issues as to RAKIA's  
11 investigation in this case and the extent to which their  
12 investigations concern not just Dr Massaad, they may  
13 have extended to Mr Azima. You know that, don't you,  
14 Mr del Rosso?

15 A. I'm aware of that, sir, but I was not involved in any  
16 investigation of Mr Azima.

17 Q. So you say, but can you tell his Lordship --

18 A. No -- well, that is the truth, my Lord. I wasn't.

19 Q. Can you tell his Lordship to help with that  
20 assessment -- can you tell his Lordship what other  
21 investigators you did use in relation to this  
22 engagement?

23 A. At the moment, I wouldn't be able to say that. I would  
24 have to go and check records because I wasn't asked  
25 about this at -- you know, during discovery or

1 disclosure.

2 Q. And what sort of investigative work did these people do  
3 for you?

4 A. For the most part they were recovering documents from  
5 public institutions, companies, company-related  
6 documents. There was a substantial amount of fraud in  
7 India, which is where we ended up focusing, and that was  
8 principally my role.

9 Q. So they were doing information or --  
10 information-gathering for you basically? They were  
11 intelligence-gathering for you?

12 A. No, that's not the right word, sir, no. They were  
13 providing information on companies, if we identified  
14 a company we needed to know who the shareholders were,  
15 so that was really the purpose of engaging with others  
16 in different jurisdictions.

17 Q. So your work involved more than simply reviewing  
18 documents, didn't it, Mr del Rosso?

19 A. Well, I would have reviewed the documents that they  
20 brought back to me, yes.

21 Q. But you also were instrumental in procuring information,  
22 weren't you, as part of this retainer?

23 A. It's a process that one has to go through to get public  
24 record information to understand who owns a company and  
25 putting together a picture of the involvement of other

1                   people, and that's essentially what we were doing.

2                   That's what my role was.

3           Q. And did this information procurement extend to  
4                   potentially confidential information?

5           A. I wasn't instructed in that, sir, no.

6           Q. Well, you weren't instructed to obtain it, but did this  
7                   information procurement that you've described just now  
8                   that you were doing -- did that potentially extend to  
9                   confidential information?

10          A. Well, explain what you mean by "confidential  
11                   information".

12          Q. Information that is impressed with a duty of confidence  
13                   to somebody. Bank information, for example.

14          A. Yes, there may have been some bank information.

15          Q. That would on its face have been confidential?

16          A. Not necessarily -- not if it came from public records,  
17                   no.

18          Q. But unless you had the consent of the relevant  
19                   bank-account-holder, there would be an issue potentially  
20                   as to confidentiality, wouldn't there, Mr del Rosso?

21          A. Well, I don't know the legal technicalities for that,  
22                   but in certain parts of the world where -- and  
23                   especially in India, they -- some of our subjects ran  
24                   for political office and they had to publish all of  
25                   their bank account information, holdings, assets, such

1 as that.

2 Q. Would you go, please, to paragraph 5 of your  
3 witness statement at {D/5/2} where you refer to  
4 Mr Stuart Page. Can you see that?

5 A. I do, sir, yes.

6 Q. You say, ... he works in a similar industry to me". So  
7 can his Lordship take it -- were you in court when  
8 Mr Page gave evidence yesterday?

9 A. I was not, your Lordship, no.

10 Q. Have you read a transcript from yesterday, Mr del Rosso?

11 A. I haven't, sir, no.

12 Q. Mr Page is involved in investigative work. Were you  
13 aware of that?

14 A. Yes, I think that's a fair description of what he does.

15 Q. How did you hear of Mr Page?

16 A. I heard of him through this particular investigation or  
17 project that we were on. I knew he was working for  
18 His Highness on this matter.

19 Q. So when we see in paragraph 5 {D/5/2} the last sentence  
20 where you say this, "I do not know Stuart Page but I had  
21 heard of him because he works in a similar industry to  
22 me", in fact you hadn't heard of Mr Page simply because  
23 he works in a similar industry to you. You'd heard of  
24 Mr Page because you knew he'd worked for RAK or RAKIA  
25 like you had done since August 2014?

1       A. No, I'm not engaged by RAK or RAKIA. I'm engaged by  
2           Dechert. Stuart Page does work in a similar industry to  
3           me and I had heard that during the course of this  
4           matter, so, yes.

5       Q. I think your answer was -- your answer initially was  
6           that you'd heard of Mr Page because he was also engaged  
7           in relation to this -- to investigations that were being  
8           carried out for or on behalf of RAK or RAKIA for the  
9           Ruler.

10      A. Yes, he was engaged in a similar sort of work. I don't  
11           know what he was doing, but he works in a similar  
12           industry in that he is investigating whatever it is that  
13           he investigates.

14      Q. And you think that what you do is similar to what  
15           Mr Page does, as far as you can tell?

16      A. Well, in a very general term, sir. I don't know what he  
17           does so I can't really comment on it. I'm just saying  
18           that in a general term we work as investigators.

19      Q. Yes, but you say "he works in a similar industry to me".  
20           You see, it's your words, not mine, Mr del Rosso. So  
21           for you to say that, you must be in a position to assess  
22           first what you do and secondly, by definition, what  
23           Mr Page does, mustn't you, Mr del Rosso?

24      A. Well, I know that he works as an investigator. He's  
25           also provided security. To me that's a fairly similar

industry. You're just splitting hairs now, really.

Q. So his Lordship can take it that you -- as far as you're concerned, you do similar sorts of work to Mr Page?

A. I don't know what he does, sir. I know that he does investigation, he provides security. I can't answer beyond that. I have never worked with him. I don't know him.

Q. Had you heard of suggestions that Mr Page on occasion gathered information through agents using illegal methods? Had you ever heard that?

A. Not until recently, sir, no.

Q. Had you heard it suggested that confidential emails may have found their way into the press through Mr Page's offices? Had you ever heard that suggestion?

A. I wasn't aware of that, sir, no.

Q. During the course of your work from August 2014 -- or when did you first learn of Mr Page's existence after August 2014 or did you know about him before August 2014?

A. I don't think I knew of him before maybe end of 2015/early 2016. I don't think so.

Q. And how did you come across Mr Page?

A. I've never met him. I don't know him, my Lord.

Q. Are you saying you've never actually met Mr Page?

A. I haven't, no.

1 Q. Have you spoken to Mr Page on the telephone?

2 A. I've had no contact with him at all. Never spoken to  
3 him, seen him. If he walked past me today, I couldn't  
4 recognise him, my Lord.

5 Q. Mr Buchanan gave evidence -- in the course of your work  
6 that you described in your witness statement, did you  
7 come across Karv Communications, Mr del Rosso?

8 A. During the course of my work, did I ...? Sorry,  
9 I missed the word you said in between.

10 Q. Come across Karv Communications.

11 A. I became aware of them, my Lord, yes.

12 Q. How and when?

13 A. I can't remember when, but I was introduced to  
14 Andrew Frank at some point during this process. I don't  
15 know when that was exactly now.

16 Q. You were engaged in relation to investigating potential  
17 frauds allegedly committed by Dr Massaad and others  
18 against the Government of RAK, weren't you,  
19 Mr del Rosso?

20 A. Yes, initially it was against Dr Massaad.

21 Q. And then who did it extend to?

22 A. Actually my role changed and I focused on India and  
23 frauds in India at sort of January/February of 2015. So  
24 I wasn't really engaged with Dr Massaad post that  
25 period.

1 Q. Mr Page has given evidence that he was also -- he was  
2 engaged in investigating wrongdoing by Dr Massaad and  
3 the misappropriation of assets; all right?

4 A. I don't know what his role was, sir, no.

5 Q. He has given evidence that that's what he did.

6 A. Well, I can't comment on that. I don't know that --

7 Q. You don't know what I'm going to ask you yet.

8 A. No, you posed it as a sort of a question or -- if it's  
9 just a statement, then we'll leave it there.

10 Q. Let's look at {D/3/4} so you can see what Mr Page has  
11 said, Mr del Rosso. This is Mr Page's evidence. Can  
12 you look at what he says in the top five or six lines in  
13 paragraph 12, please?

14 A. Okay.

15 Q. On the face of it, it looks as if there was some -- at  
16 least some overlap between what Mr Page was allegedly  
17 investigating in reference to Dr Massaad and what you  
18 were investigating, at least to the extent of looking  
19 into the alleged misappropriation of assets. Do you  
20 agree?

21 A. When was this? What date does this refer to?

22 Q. This is from the beginning of 2015.

23 A. In that case there was no overlap, no. I had stopped  
24 investigating or being involved in Massaad's activities.

25 Q. By when?

1 A. As I said, sort of January/February time of 2015.

2 I was -- I had been moved on to working on other  
3 matters.

4 Q. What, unconnected to Dr Massaad?

5 A. Unconnected to Dr Massaad personally, but certainly  
6 connected to some of his activities that had taken place  
7 in India, some of them.

8 Q. So you were still working on investigating frauds  
9 allegedly involving in some way Dr Massaad, weren't you?

10 A. In a very broad sense, sir. I was actually  
11 investigating other individuals in India and their  
12 involvement in certain transactions that had taken place  
13 over there.

14 Q. But also because there was also potentially the  
15 involvement of Dr Massaad in those matters, wasn't  
16 there?

17 A. I think pretty much all of this has some touch of  
18 Dr Massaad about it somewhere, sir.

19 Q. Yes, so, Mr del Rosso, there was a -- RAK or RAKIA were  
20 investigating what they thought was some sort of major  
21 fraud or frauds by Dr Massaad, weren't they?

22 A. And others, yes.

23 Q. Yes, and there was effectively -- Mr Buchanan gave  
24 evidence of a global investigation, Mr del Rosso. I'm  
25 sure you were aware of that, weren't you?

1 A. I'm aware there was a very substantial investigation and  
2 I am aware of my role in that, yes.

3 Q. And it stretched across several countries across the  
4 globe, didn't it?

5 A. Mine or the RAKIA --

6 Q. The RAKIA investigation.

7 A. Yes, I understand that to be the case, my Lord. There  
8 was a --

9 Q. I understand your evidence, that you were looking at  
10 particular aspects of that fraud --

11 A. Right.

12 Q. -- but it was part -- it was still part -- what you were  
13 doing was part of the overall RAK or RAKIA  
14 investigation, wasn't it, Mr del Rosso?

15 A. It was a part of whatever Dechert were being tasked to  
16 do and I was doing a part of that, yes -- involved in  
17 a part of that, rather than saying "doing it". I was  
18 involved in a part of that.

19 Q. And therefore it's not right for you to say that from  
20 early 2015 your investigative work as it might have  
21 concerned Massaad matters had finished. That wasn't  
22 right, was it? That was untrue?

23 A. Yes, I was no longer investigating anything to do with  
24 his personal finances or anything else like that, sir,  
25 yes.

1 Q. But you were investigating frauds allegedly committed in  
2 India and other places in which Dr Massaad may have  
3 played a part, weren't you?

4 A. He had played a part. I was investigating other  
5 individuals connected to those frauds.

6 Q. Because I suggest to you, Mr del Rosso, that there was  
7 at least some overlap between what you were  
8 investigating and what Mr Page was apparently  
9 investigating in 2015.

10 A. I don't know what Mr Page was investigating or when.  
11 I didn't know then.

12 Q. And it seems a bit puzzling that you seem to have had no  
13 contact at all with Mr Page, notwithstanding what I'm  
14 putting to you, that there looks on the face of it to be  
15 at least some potential overlap between the  
16 investigative work that you're each doing. And  
17 can I explain what I mean by that? If Mr Page comes  
18 across something juicy in what he's investigating by way  
19 of Massaad wrongdoing and you're trying to investigate  
20 stuff that's frauds that Massaad may have played a part  
21 in, because money can flow around the world now quite  
22 easily, it's likely, isn't it, Mr del Rosso, that you'd  
23 be interested in possibly information from Page and  
24 vice versa? There would be a sort of pooling, wouldn't  
25 there, of that information or was it all kept very

1                   separate?

2       A. Well, I reported to the law firm Dechert, and if they  
3                   had information that came from some other source that  
4                   they wished to share with me, they would do so.

5       Q. And your evidence is that you didn't speak to Mr Page at  
6                   all during 2015; is that right?

7       A. I've never spoken to him, sir. That was my evidence.

8       Q. Never in your life?

9       A. Never, no.

10      Q. And you have no idea of what work he performed therefore  
11                   at all?

12      A. Frankly, none of my business. It's his.

13      Q. So is the answer that you have no idea on oath -- you  
14                   have no idea sitting there on oath -- what Mr Page  
15                   performed in 2015 in relation to the Ruler or RAK or  
16                   RAKIA?

17      A. My Lord, I realise I'm on oath. I did not know what  
18                   Mr Page was doing in 2015, no.

19      Q. At that time?

20      A. At that time, yes.

21      Q. And do you now know what he was doing?

22      A. Not really, sir. I haven't read his statement. It  
23                   wasn't made available to me. I haven't read it.

24      Q. So if we go to {H7/299}, you can see that there's  
25                   something called a "RAK Project Update". Do you see

1                   that?

2       A. I do, yes.

3       Q. Have you seen this document before, Mr del Rosso?

4       A. I have not, sir, no.

5       Q. Never in your life?

6       A. I haven't, sir, no.

7       Q. Not even preparing to give evidence today?

8       A. It doesn't look as though it's anything to do --

9                   I didn't produce this document, sir, no.

10      Q. No. There's been evidence that this is a project update  
11                   which Mr Page or his firm produced as part of his work;  
12                   all right? Do you see that? If you go to {H7/299/2},  
13                   can you see it starts, "In the US ..."?

14      A. Right.

15      Q. "In the US, KM's hired a team of advisers managed by  
16                   Farhad Azima ... in order to spread allegations against  
17                   our client."

18                   Can you see that?

19      A. I can, sir, yes.

20      Q. And you were based in 2015 in the US, weren't you,  
21                   Mr del Rosso?

22      A. I was, sir, yes.

23      Q. Are you aware of any other investigators retained by or  
24                   on behalf of RAK, RAKIA or the Ruler in 2015, whether  
25                   through Dechert or any other agent or whether retained

directly, who operated in the US apart from your firm, Mr del Rosso?

A. I wouldn't know, sir, no.

Q. Are you aware of any others apart from your firm, Mr del Rosso?

A. I'm not aware. I wouldn't know if they had or hadn't, sir.

Q. So you are not aware of any other investigative firms in the US working for the Ruler, RAK or RAKIA in 2015 apart from you?

A. I think I've made it quite plain, sir. I wasn't aware of anyone else and I wouldn't know. They wouldn't share that with me if they had.

Q. Is that the same in 2016 as well?

A. 2016 ... Yes, I didn't know -- I don't think I knew anyone else who was working, no.

Q. And did you have any cause to have any dealing with Karv Communications in 2015? Did you deal with them?

A. With Karv Communications? Not on a professional basis.

I might have had -- met with Mr Frank on -- but  
I haven't -- I don't know -- I mean, I don't think  
I did, but ...

Q. Why would you meet Mr Frank socially or personally, rather than professionally? Is he a friend of yours?

A. He's not a friend -- well, he's become a friend,

1           actually, over the course of this thing, this process,  
2           but I don't recall having met with him.

3   Q. Where does Mr Frank live? Where is he based?

4   A. I think he's in New York.

5   Q. You say that "over the course of this thing" he had  
6           become a friend. What's the "thing"?

7   A. Well, since 2014, August 2014, I've been involved  
8           somewhere in this massive investigation. My role was  
9           directed by Dechert and, during the course of that,  
10           I know that I've met Mr Frank. I couldn't tell you the  
11           dates.

12   Q. And is there anybody else -- any other agents or  
13           entities that you've come across in relation to this  
14           retainer of yours other than Dechert and Mr Frank, let's  
15           say, in 2015 or 2016, anybody else?

16   A. I'm pretty sure I would have met Mr Handjani at some  
17           point as well.

18   Q. When was that, do you think?

19   A. I don't know. I really don't know, sir. I couldn't  
20           even hazard a guess at that.

21   Q. And where do you think you met Mr Handjani? Which  
22           country did you meet him in?

23   A. I'm going to have to say it was probably in New York  
24           because I don't think I met him elsewhere other than the  
25           fact that he's in court.

1 Q. And why did you have cause, do you think, to meet with  
2 Mr Handjani?

3 A. He was involved in this matter somehow. I'm not  
4 entirely sure of his role, but he's an adviser to  
5 His Highness and so I would have met with him. That's  
6 part of what I consider client development of business.

7 Q. Did you ever meet the Ruler?

8 A. I have met the Ruler, yes, sir.

9 Q. When?

10 A. Again dates ... probably not until 2017/2018.

11 Q. So not in 2015?

12 A. I don't believe so, no, sir.

13 Q. Are you sure about that?

14 A. I'm not sure of it, but I am fairly comfortable in  
15 saying that I didn't -- wouldn't have been introduced to  
16 him. I wasn't really that much of a role-player in this  
17 at all.

18 Q. And what prompted your meeting with the Ruler when that  
19 first happened? What caused that to take place?

20 A. I believe he had asked through Mr Buchanan or someone to  
21 provide security to his daughters or some of his  
22 children when they were travelling and I arranged that.

23 Q. So you provided security for the Ruler's family?

24 A. Yes.

25 Q. And do you still do that?

1 A. I do not, sir, no. It was a one-off situation.

2 Q. And where did you meet the Ruler? In the Palace?

3 A. In his palace, yes.

4 Q. And have you met him on any other occasion?

5 A. It's possible, sir. I've been to the Palace and it may  
6 well have been that I've met him more than that one  
7 time, but no more than one other time.

8 Q. And why did you meet him on the other occasion?

9 A. I really don't recall now, sir.

10 Q. And his Lordship can take it that you have no knowledge,  
11 do you, of the matters we see in this project update  
12 report that I took you to at {H7/299}? Can you just  
13 flick through that report and see whether any of that  
14 rings a bell, whether you remember any of these matters?

15 (Pause)

16 Have you read that, Mr -- or skimmed through it

17 anyway, Mr --

18 A. Well, there's not very much in there. It's mostly  
19 redacted.

20 Q. But you can see the stuff that's not redacted?

21 A. Right.

22 Q. You've read that?

23 A. Yes, that hasn't originated from me, sir, no.

24 Q. And were you aware of this concern about an alleged plan  
25 to smear the Ruler? Were you aware about that back in

1                   2015, for example?

2       A. I became aware of it, but I'm not sure when. I couldn't  
3                   tell you today what date that was.

4       Q. And how did you become aware of it?

5       A. I'm sure I've heard of it.

6       Q. From whom?

7       A. I don't remember, my Lord.

8       Q. I'm going to ask you, please, about the role you played  
9                   in the discovery. Can I ask you, please, to go back to  
10                  your witness statement, starting I think in paragraph 5,  
11                  please, Mr del Rosso, at {D/5/2}. You see:

12                 "In early August 2016, I received a telephone call  
13                  from Neil Gerrard of Dechert."

14                 You think that's now 8 August, do you?

15       A. It was, sir, yes.

16       Q. How do you know it's 8 August? You seem quite sure  
17                  about that. What's the basis for that sureness?

18       A. I was reviewing my statement before coming to court some  
19                  time before Christmas, just before Christmas when I had  
20                  some downtime. I realised that it seems a little open  
21                  and I -- what I should have done before I made the  
22                  statement, I did then, and that was call my lawyer,  
23                  Chris Swecker, and I asked him when I had called him and  
24                  when he had referred NTi to me, and he told me it was on  
25                  8 August.

1 Q. So that was when -- sorry -- it's when you think you  
2 called Chris Swecker, he referred NTi to you?

3 A. Yes, and Neil Gerrard called me, and I called  
4 Chris Swecker, who subsequently referred NTi to me.

5 Q. And how long after Mr Gerrard's call did you call  
6 Mr Swecker?

7 A. I just don't know. It was the same day.

8 Q. And Mr Swecker has a note of that, does he?

9 A. Mr Swecker has a note of that, yes, sir.

10 Q. Can you be shown {H10/251} please? Sorry, can we go to  
11 {H10/246}. It's my fault. Sorry, Mr del Rosso.  
12 {H10/246}.

13 Can you see there are some emails there on 9 August  
14 2016 --

15 A. There are, yes.

16 Q. -- involving you and copying Mr Swecker and NTi. Can  
17 you see that?

18 A. Yes, sir.

19 Q. If you go to {H10/248} -- I'm not quite sure what that  
20 is -- "Email from Swecker dated 08 ..." -- that's  
21 12 August 2016. Can you see that? I think it's an  
22 extract from an email. Sorry, Mr del Rosso, if you go  
23 back to {H10/246} -- it's my fault. I got the date and  
24 the month the wrong way round -- the first documents  
25 that advert to this finding of material on the internet

concerning Mr Azima seem to be on 9 August 2016.

A. Yes, that's correct, sir, yes.

Q. And you think you spoke to Mr Gerrard on the 8th, do you?

A. Yes, sir.

Q. And you waited until the following day before you got in touch with Mr Swecker; is that right?

A. No, sir. I got in touch with Mr Swecker on the 8th and he set up a call for me with NTI on the 9th.

Q. Then can we go, please, to H10 -- you see what's on

{H10/246}. There are some exchanges about -- or contact information between you and NTi. Can you see that?

A. Yes, sir.

Q. Then {H10/251} -- you need to start looking at it at {H10/251/2} -- can you see that you sent an email on 9 August 2016?

A. Yes, sir.

Q. You sent an email to Mr Swecker. Can you see that?

I think that's right, isn't it?

A. It is, yes.

Q. Have you seen this email before, Mr del Rosso?

A. Yes, I think we produced that to the client, yes.

Q. If you keep that open, if you don't mind, and if you please go to paragraph 9 of your statement, please, at {D/5/3} -- have them open at the same time -- can you

1 see what you say in paragraphs 9 and 10?

2 A. (Pause) Yes, sir.

3 Q. Can his Lordship take it that the first time you spoke  
4 to Mr Gerrard in relation to these matters was 8 August  
5 2016?

6 A. Yes, sir.

7 Q. And you see what you've said in paragraph 10 of your  
8 witness statement. You've referred to the email that  
9 I'm showing you at {H10/251/2}, haven't you,  
10 Mr del Rosso?

11 A. Yes.

12 Q. That's the email you're referring to in paragraphs 9  
13 and 10, isn't it?

14 A. Yes, sir.

15 Q. And in paragraph 10 you say this, the last sentence  
16 of 10 {D/5/3}:

17 "I recall that these statements were reports of  
18 information that Neil had told me during our call."

19 Can you see that?

20 A. I do.

21 Q. So his Lordship can take it, can he, Mr del Rosso, that  
22 what you have included in the email of 9 August 2016 at  
23 11.47 am represents a contemporaneous account by you of  
24 what Mr Gerrard told you in a call on 8 August 2016?

25 A. Well, contemporaneous, no, but it was a record of my

1                   recollection of the conversation from the previous day,  
2                   yes.

3   Q.  Yes, and you're satisfied with the accuracy of your  
4                   email account there, aren't you, Mr del Rosso?

5   A.  I can't recall the specific content of the  
6                   conversation --

7   Q.  No?

8   A.  -- but that is certainly my email.

9   Q.  Yes.  Well, if we look at the email, you said this:

10                   "Chris  
11                    "I've spoken to Rich Garcia and agreed that you will  
12                   instruct his company on this matter.

13                    "I've told him that as recently as last week -- we  
14                   were advised by researchers that a deep web search ..."

15                   And so it runs on.  Do you see that?

16   A.  I do, sir, yes.

17   Q.  In the main paragraph you say at the end:

18                   " ... there may be further sites with more  
19                   information."

20                   What were you talking about there, as best you can  
21                   tell, Mr del Rosso?

22   A.  I couldn't remember that now, sir, no.

23   Q.  Can we then just walk through, please, Mr del Rosso --  
24                   also, do you know why you'd been involved by Mr Gerrard  
25                   in this respect?  Do you know why you, in the US,

investigating Indian matters and other things -- why  
he'd asked you to get involved with this?

A. I don't, sir, no. That's a question for him.

Q. But you can't identify any reason for your being involved?

A. Not on the face of it, sir, no.

Q. Thank you, Mr del Rosso. I want to go through, please -- I want to go through, if I may, the intervening work that was carried out.

You can see this is 9 August and you're speaking to Mr Swecker. Then if you would be kind enough, please, to go to {H10/251/1}, you can see the further emails.

Can you see the further emails there?

A. Yes.

Q. You can see the exchanges.

A. Mm-hmm.

Q. Following on from your email to Mr Swecker, Mr Swecker I think sent an email to you for you to review that he drafted by way of a proposed engagement letter of NTi.

Can you see that?

A. I can.

Q. That seems to have been on 11 August, which was a Thursday. Then you, I think, chased Mr Swecker on 12 August to say:

"Chris -- did this go out -- it's time critical.

1                   Thanks."

2                   And he said:

3                   "Just sent it Nick. I will call Rich and ask him to  
4                   expedite. Chris."

5                   Again on 12 August. Can you see that?

6                   A. I can, yes.

7                   Q. So can his Lordship take it that Mr Gerrard had led you  
8                   to understand that this was an urgent task?

9                   A. I can't -- I don't recall the conversation. My take on  
10                   this was that this was a potential business opportunity  
11                   and I didn't want Chris sitting on it too much longer  
12                   and I chased him.

13                   Q. You were here, weren't you, doing work for -- at the  
14                   instruction of Mr Gerrard?

15                   A. I was here -- in relation to this matter here?

16                   Q. Yes. You're effectively assisting Mr Gerrard following  
17                   the telephone call you had with him on 8 August, aren't  
18                   you, Mr del Rosso?

19                   A. Yes, sir, yes.

20                   Q. And as part of that you are locating and retaining NTi?

21                   A. Eventually, yes.

22                   Q. Yes. Did you have to revert to Mr Gerrard, as the  
23                   source of your instructions for this work, to get  
24                   approval for the choice of NTi and their retention?

25                   A. I'm absolutely sure that I would have, sir, yes.

1 Q. It's likely, isn't it, you'd have spoken to Mr Gerrard  
2 to say, "I think NTi would be a good firm to use.

3 Can I use them? This is what they're going to cost",  
4 all that sort of conversation?

5 A. That would sound logical, yes, sir.

6 Q. And it's likely, isn't it, that you'd have had that  
7 conversation before you actually retained NTi?

8 A. Before I retained ...?

9 Q. NTi -- before you actually engaged them formally?

10 A. Yes, at some point, sir, yes.

11 Q. But it's likely you'd have checked with Mr Gerrard  
12 before you had actually engaged NTi to perform the task  
13 we're looking at here?

14 A. Yes.

15 Q. If we go to {H10/253}, please, you'll see there's an  
16 email on 12 August 2016 from you to Mr Swecker, "Further  
17 sites" -- can you see that?

18 A. Yes, sir.

19 Q. -- which you sent. Then at {H10/254} you can see some  
20 exchanges on -- some more on the 13th. You can see that  
21 there's some exchanges -- can you see?

22 A. I can.

23 Q. What happens on that day, I think, is that Mr Swecker --

24 A. Are you talking about 254?

25 Q. Yes, sorry, Mr del Rosso, I'm at 254. I'm struggling to

1 see who is talking to whom, but you're definitely --  
2 it's a sea of squiggles.

3 A. Yes.

4 Q. It looks like Mr Swecker, on Saturday, August 13th, has  
5 sent on -- has forwarded -- yes, has forwarded to NTi --  
6 that's Rich Garcia -- some further sites which "Nick" --  
7 that must be you -- "has learnt about". Does that look  
8 right to you?

9 A. It does, sir, yes.

10 Q. Thank you. You can see at the top there's a request  
11 that the rubric "Privileged Attorney Client  
12 Communication" be added to all these communications.

13 Can you see that?

14 A. Yes. Most of these communications should be privileged.

15 Q. So work was being undertaken, wasn't it, in relation to  
16 these sites, these online sites, for Mr Gerrard on  
17 Friday, 12 and Saturday, 13 August?

18 A. That's what it appears to be, yes.

19 Q. It looks, doesn't it, as if the downloading operation --  
20 if you go to {H10/256}, please, you see an email from  
21 Mr Garcia on the 13th, which is the Saturday, to  
22 Rich Garcia:

23 "Subject: Re: Nick's case."

24 And "Nick" would be you, wouldn't it, Mr del Rosso?

25 A. Yes.

1 Q. And he says:

2 "Will do Chris. We are using a double layer proxy  
3 server that is anonymous ..."

4 Can you see? And then it runs on.

5 A. Yes.

6 Q. Then, at the top, Mr Swecker sent this to you on  
7 Sunday the 14th for your information. Can you see that?

8 A. Yes.

9 Q. It's likely, isn't it, Mr del Rosso, that you would have  
10 told Mr Gerrard by this date the state of the  
11 downloading operation as it then was?

12 A. Again, I don't know that, sir, no.

13 Q. But it's likely, isn't it, that you'd have kept him  
14 apprised of matters?

15 A. Not until I had some sort of -- something substantive to  
16 say to him. Anyway, I don't recall this -- the  
17 conversations during this period, no.

18 Q. If we go to {H10/257}, please, this is an email exchange  
19 on 15 August 2016 between you and Mr Gerrard. Have you  
20 looked at these emails recently, Mr del Rosso?

21 A. Yes, it appears to be my email chain or come from my  
22 email anyway.

23 Q. Yes. Have you looked at a copy of these recently?

24 A. Yes, in preparation.

25 Q. In preparing for this, yes. So it's an exchange between

you and Mr Gerrard on 15 August, isn't it?

A. Yes.

Q. It is a Monday.

A. Okay.

Q. All right? And we've established -- you can see the exchange. Mr Gerrard wrote to you first:

"Nick,

"I've had another call from Stuart who confirms again that there is a website on FA. He seems to think it's been generated from a UAE source. I've asked for details. He said he would try and get them to me. Can you undertake a search for it?"

And you write back on the same day:

"Hi Neil.

"Ok -- following up on our last conversation regarding Stewart's findings I instructed NTi to search and recover what may be on them; that's underway and I'm sure they'll try to analyse where the sites came from.

"If Stewart can provide you the site addresses he is finding we may be able to avoid duplicating efforts.

How does he know it was set up in the UAE?

"I expect we'll get initial results this week."

Now, you're telling Mr Gerrard this, you're saying, "Following our conversation, I instructed NTI to search and recover what may be on them, that's underway", it's

1                   likely, isn't it, that you would have told Mr Gerrard  
2                   that before 15 August 2016?

3           A. That they'd been instructed?

4           Q. Yes.

5           A. It's possible. I don't recall that.

6           Q. But it's likely, isn't it, as we discussed before, that  
7                   before you actually retained them, you'd have told  
8                   Mr Gerrard that you were proposing to do that and get  
9                   his authority to go down that path, wouldn't you?

10          A. Again, I said I don't recall a specific conversation,  
11                   but I would imagine I would have got some approval for  
12                   it, yes.

13          Q. So he would have known that you had already instructed  
14                   NTi before this email of 15 August 2016, basically?

15          A. I don't recall that.

16          Q. He responds:

17                   "Okay, thanks. No idea why he says it emanates from  
18                   the UAE. I will ask."

19          A. Yes, sir.

20          Q. Did he ever get back to you in relation to that response  
21                   of his, in other words --

22          A. I really don't remember -- unless it's in this email  
23                   chain, no.

24          Q. If you go to {H10/263}, you see -- if you keep that open  
25                   at the same time as {H10/257} you can see that those

1       pages have the same two initial emails on 15 August, one  
2           from Mr Gerrard to you and one from you back to him --

3       A. Right.

4       Q. -- but they have different responses from Mr Gerrard.

5           The one on {H10/257} comes on 15 August and reads at the  
6           top:

7               "Okay, thanks. No idea why he says it emanates from  
8               the UAE. I will ask."

9               And that at {H10/263} says:

10               "Okay. Will ask him for details."

11       A. Yes.

12       Q. Can you see that?

13       A. I do, yes.

14       Q. It's puzzling, isn't it, Mr del Rosso, why Mr Gerrard  
15           should send you another short response on 16 August when  
16           he seems to have sent you the one he did on the 15th?

17       A. I've really no idea. It may be he just sent  
18           a duplicate.

19       Q. Is it right, Mr del Rosso, that by this time you were  
20           aware that the information that was being procured from  
21           the internet on behalf of RAK or RAKIA had been  
22           illegally obtained?

23       A. At which time? On August 15?

24       Q. Yes.

25       A. I wasn't, no. I wasn't aware of what the information

1                   was on there.

2           Q.  Were you perhaps turning a blind eye to the provenance  
3                   of that material?

4           A.  No, I couldn't have been aware until NTi had downloaded  
5                   it.

6           Q.  And is that why we see the rather strange email  
7                   exchanges on 15 and 16 August 2016 between you and  
8                   Mr Gerrard?

9           A.  Well, that's your description, "strange".  I don't see  
10                   that there's anything strange in those, no.

11           Q.  But you can't give any reason for why you were otherwise  
12                   involved in this exercise with Mr Gerrard, can you?

13                   You can't give any reason as to why you should have  
14                   been called up to help with this exercise?

15           A.  No, sir, that's not my place to ask.  I'm just going to  
16                   take the business, yes.

17           Q.  And is it because you are prepared to -- is it because  
18                   what was happening here is you were assisting Mr Gerrard  
19                   in this download operation and you were not asking too  
20                   many or in fact any questions?

21           A.  That isn't correct, sir.  I took advice from my attorney  
22                   once we knew what was on the site and we discussed  
23                   whether this was something that we could proceed with,  
24                   my Lord.  We didn't know what was on the site until  
25                   then.

1 Q. And did you ever get the further details in relation to  
2 why this was thought to be a UAE source?

3 A. I think from NTi eventually, yes.

4 Q. And is there some record of that that you've got on your  
5 files?

6 A. No, it's on the NTi -- it's in the NTi documentation,  
7 yes.

8 Q. And you've seen that, have you?

9 A. I have, yes.

10 Q. Could I ask you, please, to go to {H10/281}? It's an  
11 email from you on 1 September 2016 to Mr Swecker,  
12 Mr Garcia and Ms Gray. Do you see that?

13 A. Yes, sir.

14 Q. You see what it says. Remind yourself of it. I'm sure  
15 you read it recently. Can you seen that?

16 A. Mm-hmm.

17 Q. Thank you. There's a reference to, "The client's  
18 'spotter' in Dubai has reported a new data dump".

19 A. Yes, sir.

20 Q. Who did you think was the client's spotter?

21 A. I believe the client's spotter was Page. That's what  
22 I had been told before, yes.

23 Q. It says:

24 "I can't open the message (no good signal) to give  
25 you the link -- could you search and if anything exists,

1 download. If not I'll get home tonight and will be able  
2 to open the file with the supposed links."

3 Do you see that?

4 A. I do, yes.

5 Q. You're referring here to your messages, aren't you?

6 A. To my ...?

7 Q. "I can't open the message ..." -- you've received the  
8 message, haven't you? That you're talking about here?

9 A. Yes, that's what it reads, yes, sir.

10 Q. What kind of message do you think you were referring to  
11 there?

12 A. Really no idea, sir, no.

13 Q. And you're talking about messages that have been sent to  
14 you from Mr Swecker, Mr Garcia and Ms Gray, aren't you?

15 A. Sent to me by them or I was sending a message to them.

16 Q. About websites concerning Mr Azima?

17 A. I sent a message to them, yes.

18 Q. These messages or the message you're describing, no  
19 messages fitting that description have been disclosed,  
20 Mr del Rosso.

21 A. I'm aware of that, sir, yes.

22 Q. Can you explain why they haven't been disclosed?

23 A. Because I've been unable to find them.

24 Q. And where have you looked?

25 A. I engaged a law firm, independent law firm, to look for

1 them. They were unable to find them as well, sir.

2 They've been through all of my data.

3 Q. Did they look at your email accounts?

4 A. They did, yes.

5 Q. And WhatsApp messages?

6 A. I don't use WhatsApp, sir, no.

7 Q. Text messages?

8                   A. If they existed, yes.

9 Q. It's likely, isn't it, you'd have sent emails to NTi, as  
10 we've seen you do earlier in August 2016?

11 A. Well, this is an email to NTi, yes, sir.

12 Q. Sorry?

13 A. This is an email to NTI, yes.

14 Q. Yes, so can you explain why the rest of this exchange,  
15 email exchange, doesn't seem to have shown up in your  
16 records?

17 A. Are you talking about the emails to NTi or the message  
18 that came in from Dubai?

19 Q. The messages -- "Hi saw your messages" at the top.

20 You're saying:

```
21             "Hi saw your messages but could not get strong  
22             enough ... signal ..."
```

25 "Hi saw your messages . . ."

1                   And we haven't -- I don't think we've seen --

2   A. I don't know, sir. I don't know. You had asked me  
3                   about the client spotter. I thought that's what you  
4                   were talking about.

5   Q. So there's likely some other email communications to  
6                   you, these messages, which we haven't -- which seem now  
7                   not to be available; is that right?

8   A. That is correct, sir, yes.

9   Q. And also on that page, a bit further on down, there's  
10                  a reference to "I can't open the message" from the  
11                  "client's 'spotter'". You think that's a reference to  
12                  Mr Page, do you?

13   A. I thought that's what you'd asked, sir, yes.

14   Q. No, I asked who it was and I think you said you thought  
15                  it was Mr Page; is that right?

16   A. That's what I believed, yes.

17   Q. "I can't open the message ..."

18                  What sort of message are you talking about? Email  
19                  message there presumably?

20   A. I wouldn't have received anything from Mr Page, no. It  
21                  would have been ...

22   Q. Right.

23   A. -- Dechert or Neil Gerrard -- somebody from Dechert or  
24                  Neil Gerrard. I wasn't dealing with Mr Page.

25   Q. I think it was your evidence that the "client's

1                   'spotter'" reference was probably to Mr Page, as you saw  
2                   it.

3           A. Right, but, "The client's 'spotter' in Dubai has  
4           reported a new data dump". He wasn't reporting it to  
5           me.

6           Q. I see. And you say:

7                    "I can't open the message ..."

8           A. Yes, I couldn't open the message. I don't know why it  
9           says -- well, it says "no good signal", so I was  
10           obviously out or I was travelling and I couldn't open  
11           it.

12           Q. And that message hasn't been disclosed either,  
13           Mr del Rosso. Were you aware of that?

14           A. I'm aware of it, sir, because I can't find it.

15           MR LORD: Thank you, Mr del Rosso.

16                   I'm sorry, my Lord. I apologise for running over,  
17           but I wanted to try to finish.

18           MR TOMLINSON: My Lord, I've no re-examination. Has  
19           your Lordship any questions for this witness?

20           JUDGE LENON: No. Thank you, Mr del Rosso.

21           MR TOMLINSON: My Lord, can I hand up the documents that  
22           I mentioned when Mr King gave evidence?

23                   First of all, there's the -- the coloured one is the  
24           whole of the WhatsApp exchange and then the two other  
25           documents are the notice about document preservation.

1           Your Lordship will appreciate that in November 2016  
2           there was no issue about emails and Digitalis in this  
3           action, so this comes from the -- the issue is in the  
4           US action. So this is the litigation hold notice from  
5           Dechert in the US, not from Dechert in England.

6           My Lord, Mr King is here but I would obviously like  
7           to be able to release him.

8           JUDGE LENON: Well, I'm giving Mr Lord a moment to look at  
9           it to see if he wants to ask any further questions.

10           (Pause)

11           MR LORD: My Lord, does your Lordship have the litigation  
12           hold policy? If your Lordship looks at the bottom of --  
13           addressed to Digitalis, Mr Buchanan -- the bottom of  
14           page 1 refers to "... documents reflecting or relating  
15           to communications with Mr Azima on or after  
16           23 July 2016, including notes regarding negotiations  
17           with RAKIA's former chief executive officer during this  
18           period are relevant to the litigation". That appears to  
19           be a reference to Dr Massaad. I don't require this  
20           gentleman to be recalled, but that is plainly  
21           a reference to Dr Massaad.

22           JUDGE LENON: On that basis I formally release Mr King.

23           MR TOMLINSON: My Lord, I'm grateful.

24           (1.05 pm)

25           (The luncheon adjournment)